

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES DERRICK O'NEAL	*	
Petitioner,	*	Case No. 02-cv-357
vs.	*	DISTRICT JUDGE BECKWITH
MARGARET A. BAGLEY, Warden	*	MAGISTRATE JUDGE MERZ
Respondent.	*	

**NOTICE OF FILING
OF STATE TRIAL COURT DECISION
IN ATKINS CLAIM**

Now comes Respondent Warden and hereby notifies the Court and counsel of the determination by the state trial court of petitioner's *Atkins* claim, dated April 7, 2004. The Judgment Entry and Decision are attached hereto as Exhibit A.

Respectfully submitted,

JIM PETRO
OHIO ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appearance has been filed electronically as well as forwarded to **John J. Gideon**, 1093 South Fourth Street, Columbus, Ohio 43206-2621 by electronic filing and to **Michael W. Krumholtz**, Bieser, Greer & Landis LLP, 6 North Main Street, Suite 400, Dayton, Ohio 45402-1908, via regular U.S. mail postage pre-paid, on this 19th day of April, 2004.

s/Stephen E. Maher
Stephen E. Maher
Trial Counsel
Assistant Attorney General